

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JARED ALMAZAN

VS.

JOSE GUTIERREZ D/B/A
TULLY'S TRANSPORT

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5:16-cv-00897-OLG

JURY DEMANDED

**VOLUNTARY DISMISSAL BY STIPULATION
OF ALL CLAIMS AGAINST DEFENDANT**

This stipulation is made by and between Plaintiff JARED ALMAZAN ("Plaintiff"), on the one hand, and defendant JOSE GUTIERREZ D/B/A TULLY'S TRANSPORT (the "Dismissal Defendant" and collectively with Plaintiff, the "Parties"), on the other hand, with reference to the following facts:

1. WHEREAS, the Plaintiff filed the above-captioned action (the "Action") against the Dismissal Defendant;
2. WHEREAS, the Action is not a class action or a derivative action;
3. WHEREAS, a receiver has not been appointed in the Action;
4. WHEREAS, the Action is not governed by any federal statute that requires a court order for dismissal of the case against the Defendant;
5. WHEREAS, Plaintiff has not previously dismissed any federal or state-court suit based on or including the same claims as those presented in the Action; and
6. WHEREAS, Plaintiff seeks to dismiss the Action with prejudice against the Dismissal Defendant.

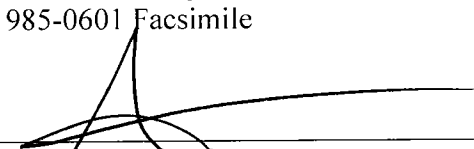
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7. WHEREAS, Plaintiff is concurrently filing a Notice of Voluntary Dismissal of Plaintiff's Original Complaint with Prejudice as to Dismissal Defendant.

NOW THEREFORE, the Parties, through their respective attorneys, hereby stipulate as follows:

1. The Action is dismissed with prejudice against the Dismissal Defendant.
- 2 This dismissal will result in dismissal of any and all claims by Plaintiff against the Dismissal Defendant in the Action.
3. This dismissal is with prejudice to refiling against the Dismissal Defendant.

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ATTORNEY FOR DEFENDANT
JOSE GUTIERREZ D/B/A
TULLY'S TRANSPORT

CERTIFICATE OF SERVICE

I certify that on April 24, 2017, a true and correct copy of Notice of Voluntary Dismissal was served according to the Federal Rules of Civil Procedure by ECF/ECM notice of electronic filing:

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Via ECF/ECM notice of electronic filing

Attorney for Defendant
Jose Gutierrez d/b/a Tully's Transport



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